

01-24-01

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## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that this paper or fee is being deposited on January 22, 2001, with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 as Express Mail Label No. EL561389954US and is addressed to: **Box Patent Application**, Commissioner for Patents, Box Application, Washington, D.C. 20231.

  
 Dennis Garcia

 PTO  
 S. N. 5183  
 09/767283


## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Gary D. Glick

Art Unit: To be Assigned

Application Serial No.: To be Assigned

Examiner: To be Assigned

Filed: January 22, 2001

Attorney's Docket No. 128019-203802

Title: **PRO-APOPTOTIC BENZODIAZEPINES**
 NEW UTILITY PATENT  
APPLICATION TRANSMITTAL

(to be used with nonprovisional applications under 37 C.F.R. § 1.53(b))

**BOX PATENT APPLICATION**
 Commissioner for Patents  
 Washington, D.C. 20231

Sir:

**1. This new application is for an**

- ☐ Original (non-provisional)  
☐ Design  
☐ Plant  
☐ Divisional  
☒ Continuation  
☐ Continuation-in-part

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§§ 119(e), 120, or 121)**

- ☒ Enclosed is a copy of the prior application as originally filed.  
☒ Prior application claims priority to pending application(s) Serial No(s).  
 Serial No. **09/700,101**; filed **November 8, 2000**.  
☐ The certified copy has been filed in prior application serial No. \*, filed on \*.

**3. [ ] Fee Transmittal Form PTO/SB/17**

(submit an original and a duplicate for fee processing)

 01/22/01  
 3760 U.S. PTO

09767283.012201

4. **Papers enclosed:**

- ☐ Enclosed is a new application.  
    \* Pages of specification  
    \* Pages of claims  
    \* Sheets of drawings  
        ☐ formal  
        ☐ informal  
    \* Pages of abstract

5. **Other papers enclosed:**

- A. ☒ Oath or Declaration  
    ☐ Newly executed (original or copy)  
    ☒ Copy from prior application (37 C.F.R. § 1.63(d)) (*for continuation/divisional*)  
    ☐ Not enclosed
- B. ☒ Power of Attorney  
    ☐ Included with Declaration  
    ☒ A copy of the originally filed Power of Attorney by Assignee is enclosed.  
    ☒ The Power of Attorney in the prior application is to:

**Baker & McKenzie**  
**660 Hansen Way**  
**Palo Alto, California 94304**

- C. ☐ Nucleotide and/or Amino Acid Sequence Submission  
    1. ☐ Computer Readable Copy  
    2. ☐ Paper Copy (identical to computer copy)  
    3. ☐ Statement verifying identity of above copies
- D. ☒ Assignment Recordation with executed Assignment (copy filed in parent application U.S. Serial No. **09/700,101**, filed **November 8, 2000**).
- E. ☒ Certificate under 37 C.F.R. § 3.73(b)  
    ☒ Power of Attorney attached

6. **Amendments**

- A. Amendments to claims  
    ☐ Cancel in this application original claims \* before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).  
    ☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest number original claims).
- B. Amendment to Specification.  
    ☐ Amend the specification by inserting before the first line the sentence:  
        --This continuation application claims priority to pending application(s) Serial No(s). Serial No. \*; filed on \*.

C. ☒ Preliminary Amendment

7. **Information Disclosure Statement (37 C.F.R. 1.98) with Form PTO-1449**

☐ Fee regarding Information Disclosure Statement:  
☐ Fee Under 37 C.F.R. § 1.17(p) \$240.00  
☐ Petition Fee Under 37 C.F.R. § 1.17(i) \$130.00

**Total Information Disclosure Statement Fee: \$0.00**

8. **Inventorship Statement**

The inventorship for all the claims in this application are:

☐ the same inventor named in the prior application  
☒ inventors named in this application are fewer than all the inventors named in the prior application.  
☒ please delete the following named inventor(s): Anthony W. Opipari  
☒ Not the same.  
☐ An explanation, including the ownership of the various claims at the time the last claimed invention was made.  
☐ is submitted herewith.  
☒ will be submitted.

9. **Assignment**

☐ An assignment of the invention to:  
☐ is attached with the appropriate cover sheet.  
☐ will follows.

10. **Extension of Time**

☐ The term for response or taking action in the prior application expires on \*.  
☐ A request for extension of time in the prior application is:  
☐ filed concurrently in the prior application  
☐ has been filed on \*.  
☐ Applicant hereby petitions for an extension of time in prior application serial no. \* and enclose the fee of: \$\*.

**SMALL ENTITY**

<input type="checkbox"/> One month	\$ 55.00
<input type="checkbox"/> Two months	\$190.00
<input type="checkbox"/> Three months	\$435.00
<input type="checkbox"/> Four months	\$680.00
<input type="checkbox"/> Five months	\$925.00

**LARGE ENTITY**

<input type="checkbox"/> One month	\$110.00
<input type="checkbox"/> Two months	\$380.00
<input type="checkbox"/> Three months	\$870.00
<input type="checkbox"/> Four months	\$1,360.00
<input type="checkbox"/> Five months	\$1,850.00

**Total amount of fees: \$0.00**

**11. Filing Fees**

The filing fee has been calculated as shown below:

Basic Fee		Small Entity \$355.00	Large Entity \$710.00	Total Fee \$355.00
Total Claims =	8- 20 =	* x \$ 9 = \$ *	* x \$ 18 = *	0.00
Independent Claims =	3- 3 =	* x \$ 39 = \$ *	* x \$ 78 = *	0.00
Multiple Dep. Claims	+	\$130 =	\$260 = *	
=				

**Total Filing Fee: \$355.00**

- ☐ An amendment canceling extra claims is enclosed.
- ☐ An amendment deleting the multiple dependencies is enclosed.
- ☐ The fee for extra claims is not being paid at this time

**12. Small Entity Statement**

- ☒ A statement verifying small entity status is attached.
- ☐ Small entity status was claimed in prior application Serial No. \*, filed on \*.
- ☒ A copy of the small entity statement in the prior application is enclosed.

**Total Other Fees: \$0.00**

**TOTAL FEES: \$355.00**

**13. ☐ Certified Copy of Priority Document**

**14. ☒ Return Receipt Postcard**

- ☒ A check including the amount of the above-indicated TOTAL FEES is attached.
- ☐ Please charge Deposit Account No. 50-0974 in the amount of \$\*.
- ☐ A check in the amount of \$\* is attached.
- ☐ No fee is required.

**☒ Conditional Petition for Extension of Time:**

An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

[X] The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. **50-0974**; Baker & McKenzie's Docket No. **128019-203802**.

[X] Any filing fees under 37 C.F.R. § 1.16 including fees for the presentation of extra claims.

[X] A patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,

Date: January 22, 2001

By: Michele Todd Wasmuth  
Michele Todd Wasmuth (Reg No. 43,239)

Antoinette F. Konski (Reg. No. 34,202)  
Attorneys for Applicant

**Baker & McKenzie**  
660 Hansen Way  
Palo Alto, California 94304  
Telephone: (650) 856-2400  
Facsimile: (650) 856-9299

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Gary D. Glick et al.

Examiner: Not Yet Assigned

Serial No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Filing Date: Herewith

For: THERAPEUTIC APPLICATIONS OF  
PRO-APOPTOTIC BENZODIAZEPINES

CERTIFICATE UNDER 37 CFR § 3.73(b)

The Regents of the University of Michigan, a university certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor of the parent application identified above. The assignment is being filed under separate cover and a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assigned as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above. The undersigned is authorized to execute this document on behalf of the Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United State Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 07/19/00

By: Marvin G. Parnes  
Name: **MARVIN G. PARNES**  
Title: *Associate Vice President for Research  
Interim Director, Technology Management Office*

00757283-012004